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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,559	12/31/2003	Po-Ju Chen	PUSA031207	5768
23595	7590	10/12/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MAGUIRE, LINDSAY MONICA	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,559

Applicant(s)

CHEN, PO-JU

Examiner

Lindsay M. Maguire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the netted racks must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: the preamble reads 'a support stand comprising' before claiming 'a plurality of support stands'. Appropriate correction is required. Applicant is suggested to add the word 'assembly' after the word 'stand' in the preamble.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "netted rack" in claims 9 through 12 are used by the claim to mean "a rack configuration", while the accepted meaning is "an open-meshed fabric twisted, knotted, or woven together at regular intervals." The term is indefinite because the specification does not clearly redefine the term. In addition Claim 12 is objected to because of the following informalities: the term 'different angles' is vague. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Inasmuch as the claims are best understood (in view of the rejections under 35 USC 112, as advanced above, claims 1 through 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen U.S. Pat. No. 6,364,138.

Chen discloses a support stand, comprising: a plurality of support stands (20) each having a periphery formed with a plurality of elongated flanges (21) and a plurality of arcuate connecting faces (22) located between the flanges; each of the flanges having two opposite sides formed with a neck (Figure 5 vertical area between 21 & 22) connected to a respective one of the arcuate connecting faces; and each of the flanges having a surface formed with a plurality of grooves (23) (the device Chen is fully capable of performing the function as set forth in claim 1, see Figures 4 and 5). In respect to claim 2, the support stands where each have a tubular shape (20), does not differentiate over Chen. As to claim 3, the term 'angular shape' does not structurally distinguish over the flange (21) arrangement of the support stand (20) of Chen. In regards to claim 4, the 'Wherein' clause, (i.e. 'wherein the flanges are equally distant from each other.') is clearly shown in the support stands (20) of Chen. As to claim 5, the terminology 'directed towards a center' does not make a structural distinction over the support stands (20) of Chen. In respect to claim 6, the term 'substantially' does not

make a structural distinction over the shape of the flanges (21) of the support stand (20) of Chen.

In regards to claim 7, the applicant's limitations where the flanges (21) have a width 'gradually reduced from the periphery to the center of the support stands' are considered met by the Chen reference since the structure of the support stands (20) clearly discloses such a configuration (Figure 1). With respect to claim 8, the 'Wherein' clause (i.e. 'wherein the grooves of the flanges are arranged in a circular shape.') does not differentiate from the structural design of the support stands (20) of Chen. As to claim 9, Chen discloses a netted rack (30) provided with a plurality of arcuate mounting plates (31), and a plurality of arcuate fixing plates (40) each mounted on a respective one of the mounting plates of the netted racks (the device Chen includes the features as set forth in claim 9, see Figure 5).

In regards to claim 10, Chen discloses fixing plates (40) that have a first side mounted on a respective one of the mounting plates (31) of the netted racks (Figure 5) and a second side mounted on either side of each of the flanges of the respective support stands (Figure 1), the second side of the each of the fixing plates is formed with a plurality of insertion strips (41) each inserted into a respective one of the grooves (23) of the respective flanges (the device Chen is fully capable of performing the function as set forth in claim 10, see Figures 1 and 5). As to claim 11, the 'Wherein' clause (i.e. 'wherein each of the fixing plates has two ends each formed with a hook urged on the neck of respective flanges) does not make a structural distinction over Chen which clearly discloses fixing plates with two ends each formed with a hook (43). With respect

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to claim 12, the term 'different angles' does not structurally distinguish over the orientation of the stands and racks of Chen (Figure 1), which clearly shows the assembly of the racks at different angles.

Conclusion

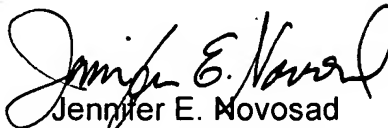
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mattia U.S. Pat. No. 2,933,193, Yang U.S. Pat. No. 6,044,988, Chen U.S. Pat. No. 5,924,581, and Wang U.S. Pat. No. 6,068,143 for showing various embodiments of support stands for shelves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

LMM
10/6/05